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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,860	02/14/2001	Frank J. DiSanto	Copy-62	9329

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PLEVY & HOWARD, P.C.  
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FORT WASHINGTON, PA 19034

EXAMINER

NALVEN, ANDREW L

ART UNIT PAPER NUMBER

2134

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/782,860

Applicant(s)

DISANTO ET AL.

Examiner

Andrew L. Nalven

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 33-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 35-37 and 41-43 is/are rejected.
- 7) ☒ Claim(s) 33, 34, 39 and 40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1 and 33-43 is pending.

### ***Response to Arguments***

2. Applicant's arguments, filed as an appeal brief on 17 April 2006 have been considered, but are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 35-38, and 41-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacobson US Patent No. 5,548,649.
4. With regards to claim 1, Jacobson teaches extracting a data value from one of said message data blocks (Jacobson, column 2 lines 63-67, column 8 lines 50-67), selecting an encryption key from among a plurality of keys dependently upon said extracted data value (Jacobson, column 8 lines 50-67, selects based upon address), and encrypting a subsequent one of said message data blocks using said selected encryption key (Jacobson, column 8 lines 50-67, encrypts IP data frame).

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5. With regards to claim 35, Jacobson teaches the extracted data value being determined using a known number of bits (Jacobson, column 8 lines 50-67, address).
6. With regards to claim 36, Jacobson teaches the known number of bits are distributed among at least one data byte of said one of said message blocks (Jacobson, column 8 lines 50-67, address is more than 1 byte).
7. With regards to claims 37-38, Jacobson teaches the known number of bits are located in a first and last bytes of said one of said message data blocks (Jacobson, column 8 lines 50-67, bits located throughout the bytes of the address block).
8. With regards to claim 41-42, Jacobson teaches limiting the data value to a known range (Jacobson, column 8 lines 50-55, range of known addresses).
9. With regards to claim 43, Jacobson teaches the known range associated with a number of said stored encryption keys (Jacobson, column 8 lines 50-55, address space associated with stored keys).

***Allowable Subject Matter***

10. Claims 33-34, 39-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

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11. With regards to claims 33-34 and 39-40, the cited prior, Jacobson US Patent No. 5,548,649, fails to teach or suggest iteratively repeating the steps of extracting, selecting, and encrypting that are presented in claim1. Instead, the cited prior art teaches the steps of extracting, selecting, and encrypting a single time. As a result, the cited prior art fails to anticipate or render obvious the above-cited claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Nalven whose telephone number is 571 272 3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on 571 272 6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven

*AN*

*Jacques Louis-Jacques*  
JACQUES LOUIS-JACQUES  
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